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OFFICE OF PETITIONS

In re Application of :
Levinson : DECISION ON APPLICATION
Application No. 09/994,585 : FOR PATENT TERM ADJUSTMENT
Filed: November 27, 2001 :
Atty. Dkt. No: 10436-0015-999 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(b)" filed December 12, 2005.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is hereby **DISMISSED**.

Applicant requests that the Determination of Patent Term Adjustment be corrected from 4 days, as indicated on the Determination of Patent Term Adjustment mailed September 22, 2005, to an adjustment of 182 days. Applicant's arguments regarding the proper adjustment to which the instant application for patent is entitled have been carefully considered. The official record has been carefully reviewed and the correct calculation of adjustment is set forth herein.

At the time of allowance, the application was entitled to zero days of patent term adjustment. The overall adjustment for Office delays is 368 days. The overall reduction for applicant's failure to engage in reasonable efforts to conclude prosecution is 407 days.

An adjustment of 94 days in accordance with 37 CFR 1.702(a)(1) and 1.703(a)(1) can be attributed to the Office.

A further adjustment of 274 days in accordance with 37 CFR 1.702(a)(2) can be attributed to the Office. The adjustment began July 5, 2004, the day after the date that a reply under 35 USC 132 was filed, and ended April 4, 2005, the date the final Office action was mailed. See 37 CFR 1.703(a)(2).

A reduction of 133 days in accordance with 37 CFR 1.704(c)(7) can be attributed to applicant in connection with the reply submitted September 12, 2003. The reduction began May 3, 2003, the day after the day that the date the reply having an omission was filed, and

ended September 12, 2003, the date that the reply correcting the omission was filed.

A reduction of 214 days in accordance with 37 CFR 1.704(c)(8) can be attributed to applicant in response to the supplemental reply submitted October 4, 2004. The reduction began March 5, 2004, the day after the date the initial reply was filed, and ended October 4, 2004, the date that the supplemental reply was filed.

It is noted that the June 17, 2004 submission is also a supplemental paper within the meaning of 37 CFR 1.704(c)(8). As the period of time related to the October 4, 2004 and June 17, 2004 submissions overlap, the period of reduction is calculated as commencing March 5, 2004, the day after the date that the initial reply was filed, and ending October 4, 2004, the date the later supplemental reply was filed.

A reduction of one day in accordance with 37 CFR 1.704(b) can be attributed to applicant in response to the amendment filed July 5, 2005. The reduction began July 5, 2005, the day after the date that is three months after the date the final Office action was mailed, and ended July 5, 2005, the date a reply to the final Office action was filed.

As properly pointed out by applicant, a further reduction of 59 days can be attributed to applicant in accordance with 37 CFR 1.704(c)(8) in connection with the Notice of Appeal submitted September 2, 2005. The reduction began July 6, 2005, the day after the date the initial reply was filed, and ended September 2, 2005, the date that the later supplemental reply (Notice of Appeal) was filed.

Accordingly, as of the time of allowance, the application is entitled to an adjustment of zero days.

The required application fee \$200.00 has been charged to applicant's deposit account as authorized.

Applicant is further advised that the patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

The application file is being forwarded to the Office of Patent Publication for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Senior Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery A. Fries

Kery Fries

Senior Patent Attorney

Office of Patent Legal Administration

Office of Deputy Commissioner

for Patent Examination Policy

Day : Monday
Date : 8/21/2006

Time : 07:53:37

 **PALMINTRANET****PTA Calculations for Application: 09/994585**

Application Filing Date:	11/27/2001	PTO Delay (PTO):	368
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	364
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-36		

File Contents History

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66	09/21/2005	ISSUE REVISION COMPLETED			
65	09/21/2005	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
64	09/21/2005	CASE DOCKETED TO EXAMINER IN GAU			
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60	09/02/2005	AMENDMENT/ARGUMENT AFTER NOTICE OF APPEAL			
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58	09/02/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
57	07/21/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		16	53
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55	07/20/2005	ADVISORY ACTION (PTOL-303)			
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41	05/17/2004	REFERENCE CAPTURE ON IDS			
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31	03/20/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
30	03/20/2004	PETITION FEE PAID			
29	03/04/2004	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
27	03/04/2004	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
26	03/20/2004	DATE FORWARDED TO EXAMINER			
25	03/04/2004	RESPONSE AFTER NON-FINAL ACTION			
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19	09/12/2003	RESPONSE TO ELECTION / RESTRICTION FILED		133	14
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17	06/20/2003	CORRESPONDENCE ADDRESS CHANGE			
16	06/23/2003	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
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14.1	05/02/2003	INFORMAL OR NON-RESPONSIVE AMENDMENT AFTER EXAMINER ACTION			
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10	03/06/2002	CASE DOCKETED TO EXAMINER IN GAU			

9	02/22/2002	APPLICATION DISPATCHED FROM OIPE			
8	02/20/2002	APPLICATION IS NOW COMPLETE			
6	02/06/2002	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
5	02/06/2002	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
4	12/21/2001	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
3	12/14/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
2	11/30/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	11/27/2001	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

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